

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 503

FEEES FOR ASBESTOS REMOVAL AND CERTIFICATION

§11-503-1 Definitions

§11-503-2 Fee requirement

§11-503-3 Fee schedules for notifications,
accreditation, certification, and
registration

§11-503-1 Definitions. As used in this chapter:

"ACM" means asbestos-containing material.

"Category I nonfriable ACM" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one per cent asbestos as determined using the method specified in 40 CFR Part 763, Subpart F, Appendix A, Section I, as referenced in section 11-501-3.

"Category II nonfriable ACM" means any material, excluding category I nonfriable ACM, containing more than one per cent asbestos as determined using the methods specified in 40 CFR Part 763, Subpart F, Appendix A, Section I, as referenced in section 11-501-3, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"Contractor/Supervisor" means any abatement worker

who has been certified by the director under these rules and holds accreditation as a contractor/supervisor of abatement activities.

"Demolition" means the wrecking, taking out or intentional burning of any load-supporting structural member of a facility together with any related handling operations.

"Department" means the department of health, State of Hawaii.

"Director" means the director of the department of health, State of Hawaii, or the director's duly authorized agent.

"Ft²" means square foot.

"Friable asbestos material" means any material containing more than one per cent asbestos as determined using the method specified in 40 CFR Part 763, Subpart F, Appendix A, Section I, as referenced in section 11-501-3, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. These include sprayed-on or troweled-on fireproofing, acoustic ceiling material and ceiling tiles, linoleum and linoleum backing, thermal system insulation, non-asphalt-saturated roofing felts, asbestos-containing paper, and joint compound. Materials that have been rendered to a crumbled, pulverized, or powdered state, when dry, by crushing, sanding, sawing, shot-blasting, or other demolition or renovation techniques are friable, which include category I non-friable asbestos containing material. Materials in which the asbestos fibers are bound into a matrix that have been rendered to a crumbled, pulverized, or powdered state, when dry, by crushing, sanding, sawing, shot-blasting, severe weathering, or other demolition or renovation techniques are friable, which include category II nonfriable ACM.

"Inspector" means a person accredited to identify asbestos-containing building material and to assess its physical condition.

"Management planner" means any person certified to use data gathered by inspectors to assess the current or potential hazard posed by asbestos-containing material, to determine the appropriate response actions, and to develop a schedule for implementing these response actions.

"Project designer" or "asbestos abatement project designer" means a person who is certified to determine how asbestos abatement work should be conducted.

"Project monitor" means a person who is certified to take air clearance samples, perform visual inspections of the job-site and ensure compliance with specifications and regulations.

"Regulated asbestos-containing material" means:

- (1) Friable asbestos material;
- (2) Category I nonfriable ACM that has become friable;
- (3) Category I nonfriable ACM that will be or has been subjected to sanding, drilling, grinding, cutting, abrading, or any other activity that may render the material friable; or
- (4) Category II nonfriable ACM that may become or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this chapter.

"Renovation" means altering a facility of one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

"Removal" means to take out RACM or facility components that contain or are covered with RACM from any facility.

"Training provider" means one who provides a certified course pursuant to this chapter.

§11-503-2

"Worker" means any certified person who engages in abatement activities. [Eff:]
(Auth: HRS §342P) (Imp: 40 CFR Part 61)

§11-503-2 Fee requirement. (a) All entities performing demolition and abatement projects in regulated facilities shall pay fees as set forth in §11-503-3.

(b) All workers, contractor/supervisors, inspectors, management planners, project designers, project monitors, and abatement entities who become accredited and laboratories which register with the state of Hawaii shall pay fees as set forth in §11-503-3.

(c) All notification, accreditation, certification, and registration fees collected pursuant to this chapter shall be made payable to the "State of Hawaii Asbestos and Lead Special Fund" and are not refundable. Fees collected for notification of projects which are cancelled prior to the start date of the project shall be returned, but assessed a \$25 administrative fee.

(d) Checks returned for any reason (e.g. insufficient funds, closed account, etc.) shall be considered a failure to pay. Returned checks are subject to an additional \$50 handling charge. If a returned check results in a late payment, the owner or operator shall be assessed a late payment penalty of \$100.

(e) Checks returned for any reason will cause a delay in the accreditation of the person being paid for by that check. Accreditation will be conferred when the fee and appropriate penalty are paid.

[Eff:] (Auth: HRS §342P-28)
(Imp: HRS §342P-28)

§11-503-3 Fee schedules for notifications, accreditation, certification, and registration. (a)

The fee schedule for demolition and renovation notifications shall be as follows:

Quantity of Asbestos to be Disturbed	Fee
Demolition Only-No Asbestos	\$ 75
Greater than or equal to 260 linear or 160 ft ² , but less than 500 linear or ft ²	\$ 150
Greater than or equal to 500 linear or ft ² , but less than 1000 linear or ft ²	\$ 225
Greater than or equal to 1000 linear or ft ² , but less than 2500 linear or ft ²	\$ 300
Greater than or equal to 2500 linear or ft ² , but less than 5000 linear or ft ²	\$ 375
Greater than or equal to 5000 linear or ft ² , but less than 10,000 linear or ft ²	\$ 450
Greater than 10,000 linear or ft ²	\$ 525
Revisions to Notifications	\$ 25

(b) The annual fee for accreditation of training providers shall be \$1000.

(c) The fee schedule for certification shall be as follows:

§11-503-3

	<u>Initial</u>	<u>Annual Renewal</u>
Worker	\$ 60.00	\$30.00
Contractor/Supervisor	100.00	50.00
Project Designer	300.00	150.00
Project Monitor	150.00	75.00
Inspector	200.00	100.00
Management Planner	50.00	25.00

Maximum annual fee for any individual: Initial \$375.00
Renewal \$175.00

(c) The annual fee for registration shall be as follows:

contractor \$200.00

laboratory \$100.00

[Eff:] (Auth: HRS §342P-28)
(Imp: HRS §342P-28)

2. The adoption of chapter 11-503, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on January 12, 1982, and filed with the Office of the Lieutenant Governor.

Lawrence Miike
Director
Department of Health

APPROVED:

Benjamin J. Cayetano
Governor
State of Hawaii

Date: _____

APPROVED AS TO FORM:

Deputy Attorney General

Filed: _____